

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2004059 JPEL Industries

Meeting Date: March 10, 2005

Agenda Item: 9

Supervisor District: 1

Applicant: Thomas Hope

Property Owner: James Boyd, JPEL Industries

Request: Special Use Permit (SUP) in AD-3 zoning district

Proposed Use: Retail and wholesale irrigation supply business

Site Location: West of the southwest corner of Power Rd. & Warner Rd. (in the Gilbert area)

Site Size: Approx. 1.1 gross ac.

County Island Status: Class I (Town of Gilbert)

Summary of Conformance with Adopted Plans:

County Plan: The Comprehensive Plan refers to the Town of Gilbert.

City/Town Plan: The Gilbert General Plan designates the site Regional Commercial. The Town states the use is not consistent with the Plan.

Support/Opposition: None known

Recommendation: **Approve** with stipulations

Description of Proposal:

1. This is a request for a Special Use Permit (SUP) for JPEL Industries, which proposes a retail and wholesale irrigation supply business (United Green Mark). The site is approx. 1.1 ac. and located west of the southwest corner of Warner Rd. and Power Rd. in the Gilbert area. The site is within the AD-3 zoning district of the *1978 Military Airport Zoning Ordinance* (a SUP is required for all development in the AD-1, AD-2 and AD-3 zoning districts). The time limit of the SUP request has not been specified by the applicant.
2. The proposal includes a 60' x 83' (4,980 sq. ft.) metal building that will house both an office area (780 sq. ft.) and warehouse area (4,200 sq. ft.). The office will be located along the east side of the building. The metal building will be 18' 4" tall and will be painted "stone" with tan trim. The building will be located near the center-front of the property (37' from the front property line). Aside from this building, the only other structure planned on the property is a 6' CMU wall along with a 25'-wide rolling gate that will surround the property from the building rearward.
3. One 24'-wide driveway, near the east property line, connects the property to Warner Rd. The driveway leads to ten (10) paved parking spaces lined up along the east property line, one of which is handicap-accessible (a portion of the parking area is outside the fenced area). Further south to the rear of the property is a large paved area used for loading and bringing in materials for outdoor storage. Outdoor storage areas are designated along the west property line and just north of the south property line (approx. 5,500 sq. ft.). Other features on the property include retention basins along Warner Rd. and at the rear (south) of the property, a dumpster, a 4' x 8' wall sign on the building frontage as well as a septic tank and septic field. Minimal landscaping is indicated on the site plan along the road frontage which includes three (3) Chilean Mesquite trees.
4. The proposed hours of operation are Monday – Friday, 7:00 a.m. – 5 p.m. The primary products sold are pipe, wire, sprinklers, fittings, control systems, fertilizers, landscape lighting, erosion control products, drainage products, tools, and other miscellaneous landscaping-related items.
5. Customers will be primarily wholesale, however some drop in retail customers are expected as well. Primary customers are landscape contractors, although cities, school districts, pool contractors, and businesses in agricultural irrigation are also significant customers. Customers will visit the site, but materials will also be delivered off-site.

Analysis of Conformance with Adopted Plans:

6. **Maricopa County “Eye to the Future 2020” Comprehensive Plan:** The Comprehensive Plan designates the site as being within a General Plan Development Area (GPDA), which is an area likely to be annexed into by a city or town in the future. In this instance, the applicable general plan is the Town of Gilbert General Plan. The County will take into consideration a municipal general plan if it has been updated within the last five years and was done so with the participation of County residents. The Town of Gilbert General Plan meets this criterion, and was most recently updated January 20, 2004.
7. **Town of Gilbert General Plan:** The General Plan designates the site for Regional Commercial. Regional Commercial emphasizes a broad range of high intensity uses, emphasizing retail commercial uses. According to the Town, the proposed use does not comply with the Plan.

Existing On-Site and Adjacent Zoning:

- | | | |
|----|----------|-----------------------|
| 8. | On-site: | AD-3 |
| | North: | I-1 (Town of Gilbert) |
| | East: | AD-2, AD-3 |
| | South: | AD-2, AD-3 |
| | West: | Rural-43 |

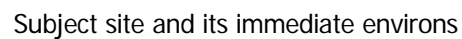
Existing On-Site and Adjacent Land Use:

- | | | |
|----|----------|--|
| 9. | On-site: | Vacant (house removed) |
| | North: | Arterial (Warner Rd.), then agricultural (row crops) |
| | East: | Vacant and commercial (wholesale business) |
| | South: | Vacant |
| | West: | Residential (single-family home on large lot) |

Area Land Use Analysis:

10. The area is relatively flat. The southwest corner of Power Rd. & Warner Rd. is dominated by commercial/industrial uses. The northwest and southeast corners of this intersection, in the Town of Gilbert and City of Mesa, respectively, are largely agricultural. The northeast corner of the intersection is a custom home development within the City of Mesa. The broader area is seeing rapid development, although residential development is discouraged in the takeoff and landing zones of Williams Gateway Airport, which is approximately 1½ mi. southeast of the site. The zoning of the subject site and broader area is a legacy from when the airport used to be Williams Air Force Base.

- [Aerial photographs below and on the following page.]





Vicinity of Warner Rd. & Power Rd. Subject site is west of the southwest corner

12. As evidenced by aerial photography, the area southwest of Warner Rd. & Power Rd. is an eclectic mix of agricultural, agri-industrial, industrial and commercial uses with a few vacant lots and single-family homes. The area has been lot-split into numerous one-acre parcels.

Adjacent Road Status:

13. **Warner Road:** County maintained, 2-lane, paved E/W section line arterial road with 33' of dedicated half-width right-of-way (ROW). The applicant will be required to provide for the ultimate 65' half-width ROW with bonding for one additional lane of pavement.

Utilities and Services:

14. **Water:** On-site well
15. **Wastewater:** On-site septic system
16. **Fire Protection:** Rural/Metro Fire Department

17. **Police Protection:** Maricopa County Sheriff's Office
18. **Electric:** Salt River Project (SRP)
19. **Natural Gas:** None
20. **Telephone:** Qwest Communications
21. **Cable Television:** Not specified
22. **Public Schools:** Queen Creek Unified School District
23. **Refuse Collector** Private collection (hauler not specified)
24. **Irrigation:** None applicable

Reviewing Agencies: (The request was reviewed at the T.A.C. meeting of July 20, 2004.)

25. **Department of Transportation (MCDOT):** No objection, with stipulations (see attached memo.)
26. **Environmental Services Department (MCESD):** No objection, with stipulation (See the attached memo.)
27. **Drainage Regulations (P&D) / Flood Control District (FCD):** No objection (See the attached memo.)
28. **Other Agencies:** The request was also referred to the Town of Gilbert, City of Mesa, Queen Creek Unified School District, Rural/Metro Fire Department, Williams Gateway Airport, and the Arizona Department of Transportation. The agencies that provided comment are addressed below:
 - **Town of Gilbert** – As discussed earlier, the Town provided a letter that opposed the use because it is not consistent with the Town's General Plan designation of Regional Commercial (see the attached letter).
 - **City of Mesa** – The City does not oppose the use (see the attached letter).
 - **Williams Gateway Airport Authority** – The Authority indicated it did not oppose non-noise sensitive uses such as this proposal. However, the Authority seeks an aviation easement, an "aircraft noise disclosure statement", and notice on title of potential aircraft noise (see the attached letter).
 - **Arizona Department of Transportation (ADOT)** – ADOT indicated that the proposal has no impact on their facilities at this time.

Public Participation Plan:

29. The applicant posted the property and noticed all property owners within 300' of the subject site in accordance with the Citizen Participation requirements. Staff has received no calls or letters of opposition as of the writing of this report. Staff believes the applicant has sufficiently complied with the Citizen Participation requirements.

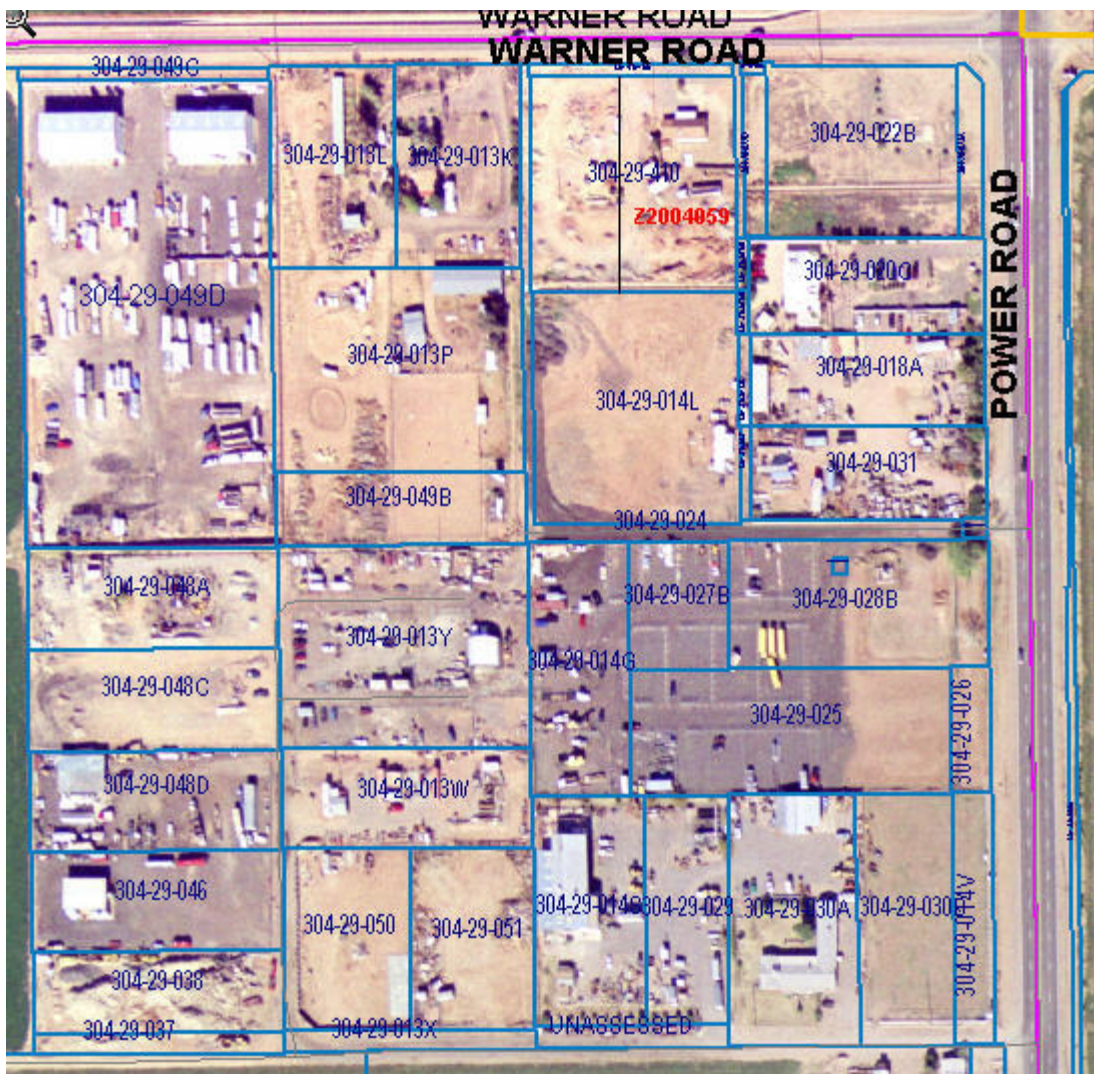
Discussion and Evaluation:

30. This request for a SUP for a retail and wholesale irrigation supply business is in an area designated as "Regional Commercial" in the Town of Gilbert General Plan, to which the County's Comprehensive Plan defers in this area. "Regional Commercial" is intended for large-scale commercial projects (i.e. regional shopping centers, hospitals/medical centers, hotels/motels, etc.), which Gilbert envisions will be well served by the proximity of the future Loop 202 (Santan Freeway) to the east, and which will be compatible with Williams Gateway Airport to the southeast. The Town has recommended denial of the request as the use is not consistent with their General Plan. As this area is a Class I County Island, staff must give consideration to the Town of Gilbert's recommendation; however, staff is of the opinion that there is adequate justification to vary from the Town's recommendation for the following reasons.
31. A Class I County Island is defined as an unincorporated area that is completely surrounded by a single incorporated municipality. In this case, the area southwest of Warner Rd. & Power Rd. is completely surrounded by a strip-annexation of the Town of Gilbert, with the corporate limits of the City of Mesa on the east side of Power Rd. In a Class I County Island, the County will only consider "upzoning" for approval if the development is dependent on the municipality for water and sewer and the proposal is in compliance with the General Plan of the Municipality supplying appropriate water and sewer service.
- The request is for a SUP and, therefore, will not change the zoning of the site.
 - This property is not dependent on the Town of Gilbert for either water or sewer services. The requested use will be served via well and septic.
 - It should be noted that the proposed use is consistent with the existing pattern of development in the area, where several industrial and commercial related businesses, such as contractor's yards, RV storage, pipeline construction, and heavy equipment repair are already present in the area. In addition, though it is possible the area may redevelop and have regional commercial uses due to convenient access (Loop 202) and a growing customer base (additional residential development), to do so would likely require a large assemblage of land and the likely removal of a number of the

existing industrial and commercial uses. Land in this area is currently divided into relatively small parcels of land.

- As a SUP, the request is essentially a temporary zoning entitlement for ten (10) years. At that time, assuming (re)development patterns have changed substantially, it may be appropriate for the site to be redeveloped in concert with the Town of Gilbert General Plan.
- Further, it is arguable whether this is a Class I or Class II County Island. The property is not being serviced by the Town of Gilbert and it is part of a larger parcel of land encompassed by strip annexation.

32. The following aerial photograph shows property development of the immediate area.



33. The subject site is currently zoned AD-3 (a zone created by the *1978 Military Airport Zoning Ordinance* and designed to minimize the area's exposure to crash hazards and high noise levels generated by the former Williams Air Force Base as well as to encourage development which was compatible with the base operations). The AD-3 zoning specifically dissuades people-intensive uses, requiring the maximum intensity of 1 employee per 3,500 sq. ft. Unlike the intensive use of a regional shopping center for example, given the current zoning this proposal is a good interim use compatible with neighboring uses.
34. For all of the reasons stated above, in addition to supportive reviewing County agencies, staff is supportive of the request subject to stipulations. As an interim land use, staff would suggest an expiration date of ten (10) years from BOS approval. Such an expiration date will allow the owner to develop the site while allowing the County to re-evaluate the use at the time of expiration to determine if such use is still appropriate and consistent with future development patterns.

Recommendation: (Z2004059)

35. Staff recommends **approval** of Z2004059 for the following reasons:

- The site is not dependent on the Town of Gilbert for water or sewer service
- The use is compatible with surrounding industrial/commercial uses
- The use is consistent with the AD-3 zoning district
- Reviewing County agencies have no objections
- The proposal is appropriate as an interim land use

Subject to the following stipulations:

- a. Development of the site shall be in substantial conformance with the site plan entitled "Request for a Special Use Permit for JPEL Properties", consisting of one (1) full-size sheet, dated June 7, 2004 and stamped received January 25, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "JPEL Properties, LLC", consisting of fourteen (14) pages, stamped received January 25, 2005, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for Warner Rd. and bonding for ultimate improvements (curb, gutter, pavement and sidewalk) along the frontage of the site shall occur within six (6) months of approval of this request by the Board of supervisors, and prior to zoning clearance.

- d. Prior to zoning clearance, the applicant shall provide evidence of an "avigation easement", an "aircraft noise disclosure statement", and notice on the title regarding potential aircraft noise in conformance with Williams Gateway Airport Authority requirements.
- e. A 30' wide landscape strip along the entire site frontage shall be required. Vegetation may include existing trees as well as additional low water usage trees, shrubs, ground cover, and decomposed granite. Sight triangles must be maintained and all landscaping shall be maintained in good health for the life of the SUP.
- f. For screening purposes, a 6' high CMU wall is required around the site in the location depicted on the site plan.
- g. Outdoor storage shall be limited to the areas designated on the site plan (approx. 5,500 sq. ft.).
- h. The days and hours of operation for the business shall be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m.
- i. The site shall be limited to twelve (12) employees (1 per 3,500 sq. ft. of net lot area).
- j. The use shall conform to all regulations of the *1978 Military Airport Zoning Ordinance* AD-3 zoning district.
- k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- l. If the water system used on-site meets Public Water System criteria, then the applicant/owner/lessee must apply for a Public Water System with the Maricopa County Environmental Services Department and become permitted as a Public Water System.
- m. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- n. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Maricopa County Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a

revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- p. Major changes to this Special Use Permit (site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

gs/pz/th/dvg

Attachments:

Case map
Vicinity map
Site plan (reduced 8 1/2" x 11")
Narrative Report
(14 pages, including exhibits and attachments)
MCDOT comment (memo)
MCESD comments (memo)
FCD/Drainage Review comments (memo)
Town of Gilbert comments (letter)
City of Mesa comments (letter)
Williams Gateway Airport Authority comments (letter)
ADOT comments (letter)

Enclosure:

Site Plan (1 sheet)